

**OCCUPATIONAL SAFETY
AND HEALTH STANDARDS BOARD**

2520 Venture Oaks Way, Suite 350

Sacramento, CA 95833

(916) 274-5721

FAX (916) 274-5743

Website address www.dir.ca.gov/oshsb

Attachment No. 2

INITIAL STATEMENT OF REASONS

Title 8, Division 1, Chapter 4, Subchapter 4, Article 14,
Sections 1604.24 and 1604.26 of the Construction Safety Orders.

Construction Personnel Hoists (Car Top Operations)**SUMMARY**

This rulemaking action was initiated by the Division of Occupational Safety and Health (Division). In its Memorandum to the Occupational Safety and Health Standards Board (Board) dated October 17, 2003, the Division indicated that amendments are proposed for the Construction Safety Orders (CSO), Section 1604.24(a) regarding car top operation of construction personnel hoists (CPHs) during inspections. The Division recommended amendments to address practices that have resulted in severe disabling and fatal injuries to construction personnel hoist operators and inspectors in California and elsewhere in the construction industry during car top operations.

The proposed amendments include modifying existing language that requires CPHs to be operated by an operator inside the car when an inspector is stationed on top of the car. In lieu of the existing requirements, the proposed amendments would require that car top operating devices be used during car top inspections and other activities such as maintenance, repairs, and tower erection and dismantling that require persons to be on the top of cars.

The proposal also provides consistency with industry practices for car top operations and with the recommendations of CPH manufacturers. Several other amendments are proposed to enhance safety for persons operating CPHs from the car top. Additionally, edits are made for clarity in the standards including a revision to the title of Section 1604.26.

Section 1604.24. Operating Devices and Control Equipment.

CSO Section 1604.24 contains a number of provisions for operating and control equipment that is required for the operation of CPHs.

Subsection (a)(3).

Existing subsection (a)(3) requires that when an inspector is stationed on top of a car in performance of his normal duties, the car shall be operated, when required, by an operator inside the car by means of the normal operating devices. The car must be operated with voice

command of the inspector and operated only in the slowest speed. This subsection also contains provisions for a car top emergency stop button and guardrail specifications.

An amendment would require when persons are on top of the car for the purposes of inspection, maintenance, repair, tower erection and dismantling that the car would be operated by a competent authorized operator using car top operating devices. This amendment is necessary so that an in-car operator would no longer be permitted for car top inspections and other car top operations listed above. Therefore, for consistency in the standard, current requirements for voice command from the inspector on top of a car to the in-car operator must be deleted.

These amendments reflect current industry practices and manufacturer's recommendations. The proposed amendments are necessary so that the operator on the car top, in control of the car movement, can better identify hazards from the car top and avoid them. Accidents have occurred when there is miscommunication between the person on the top of the car and the operator inside the car. In addition, the proposal would require that the car be operated in the slowest speed during inspection and maintenance. The overall necessity for these amendments is to reduce hazards for personnel during car top work.

Existing language in subsection (a)(3)(A) relating to the car top emergency stop button and guardrail requirements are relocated for clarity and formatting purposes to proposed new subsections (a)(3)(B) and (D) respectively.

Subsection (a)(3)(B).

Proposed new subsection (a)(3)(B) would require that car top operating devices conform to the requirements of existing subsection (a)(2) and that in-car operating devices are not functional when car top operation is selected. The proposal would relocate from existing subsection (b)(6), the requirement for an emergency stop button on the car top which would allow the operator to stop the car travel for any reason. This subsection is necessary to ensure safe design features for the controls. The proposal is also necessary so that no one would operate the car from inside while an operator on top of the car is doing inspection, repair or maintenance work as this could have serious or fatal consequences.

Subsection (a)(3)(C).

Proposed new subsection (a)(3)(C) would require car top operating devices to be located and arranged to prevent inadvertent exposure of the operator to hazards of contact with moving counterweights and stationary elements of the hoist tower, tower tie-ins, or adjacent structure. The advisory committee discussed that certain car top operations require exposure to hazards but that training and other procedures such as locking out and tagging out the power can reduce the possibility for injury. Advisory committee discussions also indicated that in the past on some hoist models, the car top controls have been mounted or fixed in locations (e.g., close to the guardrail perimeter) that require the operator to put hands or other body parts where they could inadvertently make contact with the moving counterweights or other stationary elements of the

hoist tower and adjacent structure. The proposal is necessary to promote the use and location of controls that would reduce bodily exposure to these hazards.

Subsection (a)(3)(D).

Proposed new subsection (a)(3)(D) would relocate the requirement for guardrails from existing subsection (a)(3). The proposal would require the tops of cars to be enclosed by a standard guardrail and toeboard meeting the specifications of Section 3209 of the General Industry Safety Orders except that the proposal would permit the area between the car top and the midrail to be filled with screen material provided maximum openings will reject a $\frac{3}{4}$ inch diameter ball. The $\frac{3}{4}$ inch dimension is consistent with maximum openings permitted for hoistway doors in the ANSI A10.4-2007 consensus standard for CPHs.

The proposed amendments are necessary to provide clarity and consistency in the standards and would have no other effect upon the regulated public since guardrails are already required and hoist car tops are already equipped with toeboards.

Section 1604.24(b).

Section 1604.24(b) contains standards related to electrical protective devices necessary for the safe operation of CPHs.

Subsection (b)(6).

This subsection requires a stop switch on the top of hoist cars. The provisions in this subsection are proposed for deletion and relocation to proposed subsection (a)(3)(B) for clarity and formatting purposes. The remaining subsections are renumbered accordingly.

Section 1624.26. Inspection and Tests of Personnel Hoists.

Section 1624.26 contains standards for hoist acceptance tests, periodic inspections and tests, and for operation of hoists. An amendment is necessary for clarity to add the words "and operation" to the title of this section to better reflect the provisions in subsection (c).

DOCUMENTS RELIED UPON

1. Memorandum dated October 17, 2003, to Keith Umemoto, Executive Officer, Occupational Safety and Health Standards Board, from Len Welsh, Acting Chief, Division of Occupational Safety and Health with attached recommended revisions.
2. American Standard Safety Code for Building Construction: Safety Requirements for Workman's Hoists, A10.4-1963.

3. American National Standards Institute, Inc. (ANSI) A10.4-1973, Safety Requirements for Personnel Hoists.
4. ANSI/American Society of Safety Engineers (ASSE) A10.4-2007, Personnel Hoists and Employee Elevators on Construction and Demolition Sites, American National Standard for Construction and Demolition Operations.

These documents are available for review Monday through Friday from 8:00 a.m. to 4:30 p.m. at the Standards Board Office located at 2520 Venture Oaks Way, Suite 350, Sacramento, California.

REASONABLE ALTERNATIVES THAT WOULD LESSEN ADVERSE ECONOMIC IMPACT ON SMALL BUSINESSES

No reasonable alternatives were identified by the Board and no reasonable alternatives identified by the Board or otherwise brought to its attention would lessen the impact on small businesses.

SPECIFIC TECHNOLOGY OR EQUIPMENT

This proposal will not mandate the use of specific technologies or equipment. The proposal makes clarifying and technical revisions that are consistent with industry practice and the recommendations of personnel hoist manufacturers.

COST ESTIMATES OF PROPOSED ACTION

Costs or Savings to State Agencies

No costs or savings to state agencies will result as a consequence of the proposed action.

Impact on Housing Costs

The Board has made an initial determination that this proposal will not significantly affect housing costs.

Impact on Businesses

The Board has made a determination that this proposal will not result in a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. Also, see the statement under the heading, "Specific Technology or Equipment."

Cost Impact on Private Persons or Businesses

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Costs or Savings in Federal Funding to the State

The proposal will not result in costs or savings in federal funding to the state.

Costs or Savings to Local Agencies or School Districts Required to be Reimbursed

No costs to local agencies or school districts are required to be reimbursed. See explanation under "Determination of Mandate."

Other Nondiscretionary Costs or Savings Imposed on Local Agencies

This proposal does not impose nondiscretionary costs or savings on local agencies.

DETERMINATION OF MANDATE

The Occupational Safety and Health Standards Board has determined that the proposed standards do not impose a local mandate. Therefore, reimbursement by the state is not required pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code because the proposed amendments will not require local agencies or school districts to incur additional costs in complying with the proposal. Furthermore, these standards do not constitute a "new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution."

The California Supreme Court has established that a "program" within the meaning of Section 6 of Article XIII B of the California Constitution is one which carries out the governmental function of providing services to the public, or which, to implement a state policy, imposes unique requirements on local governments and does not apply generally to all residents and entities in the state. (County of Los Angeles v. State of California (1987) 43 Cal.3d 46.)

These proposed standards do not require local agencies to carry out the governmental function of providing services to the public. Rather, these standards require local agencies to take certain steps to ensure the safety and health of their own employees only. Moreover, these proposed standards do not in any way require local agencies to administer the California Occupational Safety and Health program. (See City of Anaheim v. State of California (1987) 189 Cal.App.3d 1478.)

These proposed standards do not impose unique requirements on local governments. All state, local and private employers- will be required to comply with the prescribed standards.

EFFECT ON SMALL BUSINESSES

The Board has determined that the proposed amendments may affect small businesses. However, no economic impact is anticipated as the proposal makes clarifying and technical revisions only that are consistent with industry practice and the recommendations of personnel hoist manufacturers.

ASSESSMENT

The adoption of the proposed amendments to these standards will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

ALTERNATIVES THAT WOULD AFFECT PRIVATE PERSONS

No reasonable alternatives have been identified by the Board or have otherwise been identified and brought to its attention that would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.